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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,504	02/12/2001	Magnus Nilsson	003300-743	7099
7590	06/19/2006			EXAMINER
Benton S. Duffett, Jr. BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			KALINOWSKI, ALEXANDER G	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 06/19/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/780,504

MAILED

Filing Date: February 12, 2001

JUN 19 2006

Appellant(s): NILSSON, MAGNUS

GROUP 3600

William Hughet
For Appellant

EXAMINER'S ANSWER

This is in response to the supplemental appeal brief filed 11/10/2005 appealing from the Office action mailed 3/2/2004. The appeal brief filed 11/10/2005 is in response to an Order Returning the Undocketed Appeal to the Examiner from the Board of Patent Appeals and Interferences mailed 10/3/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication No. US 2001/0027420 A1 (Boublik et al.).

Regarding **claim 1**, Boublik et al. discloses a method for at least partly automated bookkeeping (see paragraph 0007 on page 1, “transaction data automatically entered into a user’s financial application), comprising: providing a server (see paragraph 0031 on page 2, “a computerized system comprising a server side component and a client side component”) with a banking service application (see ¶ 0052) and an account service application (see ¶ 0060, “accounting package”), said server being accessible to at least one client (see ¶ 0031) through wide area network (see Figure 1, “Internet”), wherein said account service application is connected to a book-keeping database (see ¶ 0058 on page 3), receiving to said server data representing instructions for at least one transaction (see ¶ 0050 on pages 2-3, “data of a transaction of interest”), using data in the banking service application for conducting

the transaction, using at least part of said data as accounting information in the account service application for updating said bookkeeping database (see ¶ 0058); **[claim 2]** the transaction is a payment transaction (see ¶ 0052 on page 3, “capture online buying transactions”); **[claim 3]** the received data further comprises account data connected to the transaction instruction data (see ¶ 0060); **[claim 4]** the account data comprises account information (see ¶ 0060); **[claim 5]** the account data comprises information of value-added tax related to the transaction (it is inherent that tax-related data is included in accounting applications); **[claim 6]** transmitting a network accessible document (see ¶ 0058, “the data is transmitted as a secure XML document”) in response to a request transmitted by the client to said server, said document comprising entering fields for formalized input of information of a user on the client side (see ¶ 0053-0056); **[claim 7]** searching the bookkeeping database for previously entered accounting data (see ¶ 0054, “checks if a template exists”) items similar to the received data regarding at least one predetermined parameter, and if such similar accounting data item are found, suggest additional accounting data to be stored in the bookkeeping database in connection with the newly received accounting information in accordance with information in the found accounting data items (see ¶ 0058); **[claim 8]** the predetermined parameter is the identity of the payment receiver (searching the database for the identity of the payment receiver is inherent, see ¶ 0052, “a particular URL”, wherein a URL is associated with the identity of the payment receiver).

Claims 10-20 include limitations that are identical to claims 1-8 analyzed above in detail.

Regarding **claim 9**, Boublik et al. discloses a system for at least partly automated bookkeeping (see paragraph 0007 on page 1, “transaction data automatically entered into a user’s financial application), comprising: a server (see paragraph 0031 on page 2, “a computerized system comprising a server side component and a client side component”), said server comprising a banking service application (see ¶ 0052) and an account service application (see ¶ 0060, “accounting package”), wherein the server is accessible to at least one client through a wide area network (see Figure 1, “Internet”), a bookkeeping database (see ¶ 0058 on page 3) connected to said account service application, wherein said server is adapted to use data representing instructions for at least one transaction received through said network from said client in the banking service application for conducting the transaction (see ¶ 0050 on pages 2-3, “data of a transaction of interest”), and further to use at least part of said data as accounting information in the account service application for updating said bookkeeping database (see ¶ 0058).

(10) Response to Argument

On page 4, first full paragraph (arguments continued through 2nd paragraph of page 5), Appellant argues that Boublik is “completely and expressly silent regarding any banks, banking applications, or banking transactions whatsoever.” As related to claim 1, Appellant argues that Boublik fails to disclose any data in a banking service application being subsequently used an accounting information in an account service application. Appellant’s statements prove that Appellant has not fully reviewed Boublik,

because Figure 9 of Boublik discloses a “Banking Partner” in the high level architecture of the invention. Therefore, Boublik is not silent with regard to banks, banking applications, or banking transactions. It is Appellant’s position that Boublik fails to disclose a banking service application as required in claim 1. However, Appellant has failed to provide an express definition for the term “banking service application”. Appellant’s citation of the paragraph bridging pages 5-6 is merely exemplary in nature. On page 6, lines 2-4, Appellant discloses that “The banking service application could preferably provide usual banking services such as payments, money transfers, etc.” “Absent an express definition in their specification, the fact that appellants can point to definitions or usages that conform to their interpretation does not make the PTO’s definition unreasonable when the PTO can point to other sources that support its interpretation.” *Morris*, 127 F.3d at 1056, 44 USPQ2d at 1029. The Examiner relies upon a dictionary definition. *Merriam Webster’s Collegiate Dictionary*, tenth edition defines “bank” as an establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds (see Advisory Action on 8/5/04).

Boublik discloses a server that includes applications to 1.) collect relevant online procurement transaction information and 2.) converts the information to an accounting-package (see at least paragraph 0032). Using the Examiner’s dictionary definition, Boublik’s application for collecting relevant online procurement transaction information is analogous to Appellant’s banking service application because Boublik’s application at least exchanges money and facilitates the transmission of funds via the “Banking

Partners" of Figure 9. As required by the claim 1, Boublik then takes the transaction information via the account service application for updating the book-keeping database (see at least paragraphs 0032, 0058 and 0060).

On pages 5-8, Appellant repeats similar arguments for claim 9 as previously argued for claim 1. The Examiner maintains the same responses (as set forth above for claim 1) to Appellant's arguments related to claim 9.

On page 8, second full paragraph, Appellant argues that certain features of claims 5 and 12 are not anticipated by Boublik. More specifically, Appellant argues that Boublik fail to disclose account data comprising information of value added tax related to transaction. Value added tax is basically a supply chain tax that is imposed on each stage of the production process. The sales tax of a transaction is the portion of the value-added tax at the retail level of the supply chain. Therefore, Boublik at least broadly discloses value-add tax data related to the transaction.

In conclusion, Boublik anticipates every limitation of claims 1-20 but at certain instances merely uses terminology that is different from Appellant's claims. The fact that Boublik fails to include the term "banking service application" does not preclude Boublik's system from meeting all the claim limitations. As set forth above, Boublik's transaction processing system uses Banking Partner's (see Figure 9) to collect transaction data which is then updated in a book-keeping database. It is noted that Appellant is attempting to overcome Boublik using the argument that Boublik fails to disclose a "banking service application", but Appellant has failed to expressly define banking service application. The only type of transaction Appellant requires in the

claims is a “payment” (see claim 2), which is clearly anticipated by Boublik’s online procurement transaction processing system. Finally, it is noted that Appellant’s chief argument is that Boublik is “completely and expressly silent regarding any banks, banking applications, or banking transactions whatsoever.” As set forth, Boublik discloses “Banking Partners” in the high-level architecture of the system in Figure 9.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Alexander Kalinowski

Supervisory Patent Examiner

Art Unit 3627

Conferees:

Ryan Zeender



Joseph Thomas

